## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

Nelson L. Bruce,	
Plaintiff,	) )
Niagra Capital Associates Inc., and unknown parties,	ORDER
Defendants. )	

This matter is before the Court upon Plaintiff Nelson L. Bruce's pro se complaint filed on February 6, 2018. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On August 10, 2018, Magistrate Judge Mary Gordon Baker issued a report and recommendation ("Report") outlining the procedural history of this action and recommending that the Court summarily dismiss this action without prejudice for lack of prosecution, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Attached to the Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed, and Plaintiff has not attempted to file an amended complaint.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole

or in part, the recommendation of the Magistrate Judge, or recommit the matter to the

Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific

objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life

& Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a

timely filed objection, a district court need not conduct a de novo review, but instead must

'only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation.") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the

applicable law, and the findings and recommendations of the Magistrate Judge for clear

error. After review, the Court finds no clear error and agrees with the Magistrate Judge that

this case is subject to summary dismissal.

Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 26) and

dismisses this action without prejudice for lack of prosecution, pursuant to Rule 4(m) of the

Federal Rules of Civil Procedure.

IT IS SO ORDERED.

/s/Bruce H. Hendricks

The Honorable Bruce Howe Hendricks

United States District Judge

October 3, 2018

Charleston, South Carolina

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